

United States District Court District of Massachusetts

NATIONAL FEDERATION
OF THE BLIND, ETC., ET AL.,
Plaintiffs,

v.

CIVIL ACTION NO. 2015-12984-NMG

THE CONTAINER STORE, INC.,
Defendant.

REPORT RE: REFERENCE FOR ALTERNATIVE DISPUTE RESOLUTION TO JUDGE

COLLINGS, U.S.M.J.

On JUNE 23, 2016, I held the following ADR proceeding:

<input type="checkbox"/> EARLY NEUTRAL EVALUATION	<input checked="" type="checkbox"/> MEDIATION
<input type="checkbox"/> MINI-TRIAL	<input type="checkbox"/> SUMMARY JURY TRIAL
<input type="checkbox"/> SETTLEMENT CONFERENCE	

Counsel for the plaintiffs and defendant appeared; the plaintiff Mika Pyyhkala appeared as did a representative of the defendant.

[x] The case was NOT SETTLED. There was some progress on the issue of injunctive relief under the ADA. Counsel for the defendant advised that all of the defendant's stores now have devices installed which enable blind purchasers to enter their pin number when making a sale using a debit card and that all stores have laptops which enable blind customers to sign up for the chain's loyalty program. Defendant's also averred

that the defendant will agree not to remove the devices from their stores. Plaintiffs' counsel agreed that if the devices as described are, in fact, in all the stores, the issue of the merits of the injunctive relief claims under the ADA would be moot except for the issue of whether or not the plaintiffs are prevailing parties on the issue of injunctive relief. The defendant intends to bring the mootness issue before the Court at some point.

Counsel agree that if Motion # 73 is granted and the plaintiffs are permitted to file their motion to certify a class with respect to damage claims under various state laws, the issue of whether there should be a further mediation should await the Court's ruling on a motion to certify a class. Accordingly, litigation of this case should proceed apace with the question of further mediation being raised after any motion to certify a class is decided.

Dated: June 23, 2016.

Robert B. Collings

ROBERT B. COLLINGS
United States Magistrate Judge

Copy to: Judges Gorton and Kelley, Brendan Garvin, Counsel for all parties.